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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

309

CRR No. 2091 of 2022 (O&M)
Date of decision: 05.02.2025

Ram Nath ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parshant Sethi, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Rajesh Tushar, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. CRM-51208-2024

Prayer in this application is for compounding the offence in view of the fact that the parties have amicably settled their dispute.

Since the prayer made in this application has direct bearing on the main revision petition, the application is disposed of and let the main case, which is also listed today, be taken up.

2. CRR-2091-2022 (O&M)

The present revision petition has been filed against the judgment of conviction dated 17.03.2016 and order on quantum of sentence dated 19.03.2016, passed by the Court of learned Judicial Magistrate First Class, Hansi in case titled as *State vs. Ram Nath*, arising out of FIR No. 108 dated 22.02.2011, registered under Sections 420, 467, 468, 471 and 34 of IPC at Police Station City Hansi, whereby the petitioner was held guilty for

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commission of offences punishable under Sections 420, 467, 468 and 471 of IPC and was sentenced to undergo rigorous imprisonment for maximum period of three years and to pay fine of Rs. 3,000/- with default clause. The petitioner has also laid challenge to the judgment dated 17.09.2022, passed by the Court of learned Additional Sessions Judge, Hisar, whereby the appeal of the petitioner had been partly allowed and he was acquitted of the charges framed against him under Sections 467, 468 and 471 of IPC but his conviction under Section 420 of IPC was maintained. Feeling aggrieved, the petitioner has filed the present revision petition.

3. Now the petitioner has filed aforesaid application bearing number ***CRM-51208-2024*** for compounding the offence for which he has been held guilty and convicted.

4. It is argued by learned counsel for the petitioner that an amicable settlement has been arrived at between the petitioner and complainant. It is submitted that the complainant also admits the factum of the above stated settlement having been arrived at between the parties and therefore, he deserves to be granted permission to compound the offence.

5. Learned counsel for the complainant has affirmed the factum of compromise having arrived at between the parties and has submitted that he has no objection if the offence is compounded in favour of the petitioner and the judgment of conviction and order of sentence recorded by learned trial Court and affirmed by learned appellate Court are quashed and set aside. Learned State counsel has not raised any objection to the prayer made by the petitioner.

6. Vide order dated 09.01.2025, the parties were directed to appear before the learned trial Court for recording of their statements with regard to

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genuineness of the compromise arrived at between the parties. In pursuance thereof, the parties had appeared before the learned trial Court and got their statements recorded. A copy of report dated 27.01.2025 has been received from the Judicial Magistrate First Class, Hansi, along with the copies of statements of the parties, wherein it is reported that the compromise effected between the parties is genuine and valid.

7. In ***Raj Reddy Kallen Vs. State of Haryana and another (2024) 5 SCR 203***, it was observed by Hon'ble Supreme Court that keeping in mind that 'compensatory aspect,' of remedy shall have priority over the 'punitive aspect', courts should encourage compounding of offences under the N.I. Act, if the parties are willing to do so. Reference can further be made to ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous. Reliance can also be placed upon the authority cited as ***K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184***, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the Courts below and the accused was acquitted of the charge, framed against him under Section 138 of the N. I. Act.

8. As discussed above, in the instant case also, the parties have settled their dispute amicably, in pursuance of which, NOC of the land which is the

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subject matter of the dispute between the parties had been issued by the Bank and the petitioner has handed over the same along with original documents to the complainant. This fact is affirmed by learned counsel for the complainant. He has stated that the complainant has no objection if the offence is compounded. This amicable settlement has arrived at between the parties after passing of judgment dated 17.09.2022 by the learned appellate Court. There is no doubt that the petitioner and the complainant have reached at a settlement permissible under law. This Court has also satisfied itself regarding the genuineness of the settlement. As such, in the considered opinion of this Court, the conviction of the petitioner would not serve any purpose and is required to be set aside. In the light of the judicial precedents as referred to above and the attendant facts and circumstances of the case, this Court is of the considered opinion that the offence deserves to be compounded in favour of the petitioner. Accordingly, the present petition is allowed and the judgment of conviction dated 17.03.2016 and order on quantum of sentence dated 19.03.2016 passed by the learned trial Magistrate as well as the judgment dated 17.09.2022 passed by the learned appellate Court are set aside. The offence for which the petitioner was convicted stands compounded and the petitioner is acquitted on account of such compounding.

9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

05.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No